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**CHILD SUPPORT PROGRAM  
PROGRAM PERFORMANCE REVIEWS**

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**CHAPTER 12-200 PROGRAM PERFORMANCE REVIEWS**

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<b>12-201</b>	<b>SCOPE</b>	<b>12-201</b>
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These regulations establish the procedures and standards by which district attorneys shall be measured for the purposes of paying incentives and passing on federal audit sanctions only. They do not limit the district attorneys' responsibility to provide program services in accordance with federal and state laws and regulations.

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NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.  
Reference: Section 15200.8, Welfare and Institutions Code.

<b>12-202</b>	<b>PROGRAM PERFORMANCE REVIEW PROCEDURES</b>	<b>12-202</b>
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- .1 The district attorney shall be subject to annual reviews on a state fiscal-year basis to determine compliance with the program performance standards specified in this chapter.
  - .11 The district attorney shall be notified in writing as to whether the district attorney's county is a state-review or self-review county.
    - .111 The designation shall be for a two-year period.
- .2 The district attorney shall provide a case listing when requested in writing to do so by the Department.
  - .21 The case listing shall consist of all cases which are:
    - .211 In open status on January 1, or which are opened and remain open between January 1 and December 31, of the year in which the review period begins; and
    - .212 In closed status and remain closed between July 1 and December 31, of the year in which the review period begins.
  - .22 The case listing shall be submitted in the manner specified by the Department and shall include relevant case information, such as the IV-D case number; the absent parent's name; the custodial parent's, or the payee's name; the case status; and social security numbers.

<b>12-202</b>	<b>PROGRAM PERFORMANCE REVIEW PROCEDURES (Continued)</b>	<b>12-202</b>
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- .23 The district attorney shall have at least 45 calendar days from the postmark date of the Department's request to prepare and submit the case listing, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
    - .24 Failure to submit an accurate and timely case listing as requested in writing by the Department shall result in a finding of noncompliance.
  - .3 The district attorney shall be notified in writing of the statistically valid random sample of cases to be reviewed, based on the case listing submitted.
    - .31 The case sample shall:
      - .311 Be determined using generally accepted statistical principles.
      - .312 Meet a 95 percent confidence interval at the .05 level of significance.
      - .313 Consist of at least the minimum number of cases necessary to ensure that the sample is representative of the county's total case listing.
    - .32 Failure to locate more than 10 percent of the case records specified in the case sample shall result in a finding of noncompliance.
    - .33 Unless otherwise directed by the Department, the review shall be conducted on only those cases specified in the case sample.
      - .331 Substitution of a case not specified in the case sample shall result in a finding of noncompliance.
- .4 For self-review counties, the district attorney shall complete the program performance review within 45 days from the beginning of the case review period, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
  - .41 Failure to complete the program performance review shall result in a finding of noncompliance.
- .5 For self-review counties, the district attorney shall submit to the Department a report of the results of the program performance review. This shall be known as the Performance Review Report.

<b>12-202</b>	<b>PROGRAM PERFORMANCE REVIEW PROCEDURES (Continued)</b>	<b>12-202</b>
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- .51 The Performance Review Report shall be presented in the manner specified by the Department and shall include, but not be limited to, the county's IV-D organization chart, the methodology of the review, findings of compliance versus noncompliance for each IV-D program performance standard, and supporting information in the appendices to the report. Written procedures shall be made available by the counties for review by the Department.
- .52 The Performance Review Report shall be submitted within 45 calendar days of the end of the case review as specified in Section 12-202.4, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
- .53 The Performance Review Report shall contain such supporting documentation as determined by the Department to be needed to support the findings in the report.
- .54 Failure to provide a Performance Review Report as required by these regulations shall result in a finding of noncompliance.
- .6 Self-review counties shall be subject to monitoring by the Department.
  - .61 The monitoring shall be to determine the following:
    - .611 Adherence to the case sample.
    - .612 Existence of a conflict of interest for self-review staff.
    - .613 Accuracy of the tabulation results.
  - .62 Failure to meet the requirements specified in Section 12-202.61 shall result in a finding of noncompliance.
- .7 For self-review counties, the district attorney shall be notified in writing of the Department's determination of the level of compliance with each program performance standard specified in this chapter within 90 calendar days of the date the Performance Review Report is postmarked.
- .8 In state-review counties, the district attorney shall receive a copy of the Performance Review Report prepared by the Department.
  - .81 The Performance Review Report shall identify the level of compliance with each program performance standard specified in this chapter.

<b>12-202</b>	<b>PROGRAM PERFORMANCE REVIEW PROCEDURES (Continued)</b>	<b>12-202</b>
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- .82 The district attorney shall have 45 calendar days from the date the Performance Review Report is postmarked to review and comment on the Performance Review Report, unless a later date is mutually agreed upon in writing by the county IV-D director and the Department.
- .83 If no comments are received from the district attorney the Performance Review Report shall become final after the 45-day review/comment period.
- .84 If comments are received from the district attorney, one of the following shall occur for each comment received within 45 calendar days of the date the comments are postmarked:
  - .841 The Performance Review Report shall be revised based on the comment received.
  - .842 The district attorney shall be notified in writing why the Performance Review Report was not revised based on the comment received.
- .85 The district attorney shall receive a copy of the finalized Performance Review Report which shall be considered the Department's determination of compliance/noncompliance.
  - .851 The finalized Performance Review Report shall be sent within the 45-day period specified in Section 12-202.84.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.  
Reference: Section 15200.8, Welfare and Institutions Code.

<b>12-203</b>	<b>CORRECTIVE ACTION</b>	<b>12-203</b>
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- .1 Upon a finding of noncompliance, the district attorney shall develop a corrective action plan which shall be known as the Program Improvement Report.
- .11 The Program Improvement Report shall contain all of the following:
- .111 Identification of each finding of noncompliance.
  - .112 The district attorney's determination of the cause(s) for each finding of noncompliance identified in Section 12-203.111.
  - .113 The proposed solution(s) for the cause(s) of each finding of noncompliance identified in Section 12-203.111.
    - (a) Such solution(s) shall identify the county administrative and/or procedural and program policy and/or operational changes to be made.
    - (b) The county administrative and/or procedural and program policy and/or operational changes shall be made as soon as possible but no later than one calendar year from the date the Program Improvement Report is postmarked.
    - (c) If the finding of noncompliance is with a program performance standard, the county administrative and/or procedural and program policy and/or operational changes identified in Section 12-203.113(a) shall result in the processing of cases in compliance with that program performance standard on a prospective basis.
  - .114 Upon a finding of noncompliance with a program performance standard, a plan for correcting cases which were not previously processed in compliance with the program performance standard. Such plan shall:
    - (a) Identify the estimated number of cases not in compliance with the program performance standard.
    - (b) Provide measurable, quarterly milestones for correcting the cases identified in Section 12-203.114(a), including the number of cases to be corrected each quarter.

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- (c) Indicate the date by which all of the cases will be corrected and the plan completed.
- .115 A description of how the implementation of each proposed solution will be monitored and evaluated for timeliness and effectiveness in correcting the noncompliance.
- .2 If the district attorney elects to implement corrective action prior to the Department's final determination of compliance/noncompliance, the Program Improvement Report shall include the information specified in Section 12-203.1 and all of the following:
- .21 The date each proposed solution was implemented.
- .22 The status of the implementation of each proposed solution.
- .23 An evaluation of the effectiveness of each proposed solution in correcting the noncompliance.
- .3 The Program Improvement Report shall be submitted to the Department within 60 calendar days of the date the Department's notification of noncompliance is postmarked or the date the Performance Review Report becomes final, whichever is applicable, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
- .31 The Program Improvement Report shall be subject to review by the Department.
- .32 The Program Improvement Report shall be returned by the Department to the district attorney as unacceptable within 45 days of the date the Program Improvement Report is postmarked upon any of the following:
- .321 Determination that the requirements for the Program Improvement Report specified in Sections 12-203.1 and 12-203.2 are not met.
- .322 Determination that the causes of and/or solutions for the noncompliance are not related to the finding.

<b>12-203</b>	<b>CORRECTIVE ACTION (Continued)</b>	<b>12-203</b>
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- .33 Failure to submit an acceptable Program Improvement Report shall result in a finding of continued noncompliance for each calendar quarter until an acceptable Program Improvement Report is submitted.
- .4 The district attorney shall submit to the Department a written report on the status of the corrective action each calendar quarter until such time as the district attorney notifies the Department that the corrective action has been completed pursuant to Section 12-203.7.
  - .41 Such report shall be submitted within 15 calendar days following the end of each calendar quarter, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
  - .42 Failure to submit a status report on the corrective action within the required time shall result in a finding of continued noncompliance.
- .5 The district attorney shall be subject to review by the Department to determine the effectiveness of the corrective action and the level of compliance attained.
- .6 The district attorney shall amend any existing Program Improvement Report and its attendant corrective action to include the results of subsequent annual and/or quarterly reviews.
- .7 The district attorney shall notify the Department in writing upon the district attorney's determination that the corrective action has been completed.
  - .71 The corrective action shall be considered completed upon completion of all of the following:
    - .711 The county administrative and/or procedural and program policy and/or operational changes identified pursuant to Section 12-203.113(a) have been fully implemented.
    - .712 Current cases have been processed for a minimum of 30 calendar days in compliance with any program performance standard previously identified as out of compliance.
    - .713 The district attorney has implemented the plan pursuant to Section 12-203.114 and is correcting the cases identified pursuant to that section.



<b>12-203</b>	<b>CORRECTIVE ACTION (Continued)</b>	<b>12-203</b>
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- .72 The district attorney's finding shall be subject to verification by the Department.
  - .721 Such verification shall be completed within 60 calendar days of the date the district attorney's notification of compliance is postmarked.
- .73 Upon verification of compliance by the Department, the district attorney shall be entitled to the statutory compliance incentive rate at the start of the calendar quarter following the quarter in which the district attorney's notification of compliance is postmarked.
- .8 Following completion of the corrective action as specified in Section 12-203.71, failure to meet any quarterly milestone identified in Section 12-203.114(b) shall result in a new finding of noncompliance, unless an extension for meeting the milestone is mutually agreed upon in writing by the district attorney and the Department.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.  
Reference: Section 15200.8, Welfare and Institutions Code.

<b>12-204</b>	<b>PROGRAM IMPROVEMENT</b>	<b>12-204</b>
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- .1 In addition to the program performance standards specified in this chapter, the district attorney shall be subject to administrative review.
  - .11 The administrative review shall include the following:
    - .111 Nonregulated statutory and/or federal requirements.
    - .112 Local administrative procedures.
    - .113 Local systems.
    - .114 Adherence to the provisions of the Plan of Cooperation.
- .12 The findings of the administrative review shall be known as administrative findings.

<b>12-204</b>	<b>PROGRAM IMPROVEMENT (Continued)</b>	<b>12-204</b>
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- .13 The administrative review shall be considered part of the program performance review, and the administrative findings shall be included in the Performance Review Report.
- .2 Administrative findings and/or findings of marginal compliance shall not affect the district attorney's entitlement to incentives as specified in this chapter.
- .3 The district attorney shall include a program improvement plan in the Program Improvement Report.
  - .31 The program improvement plan shall include all of the following:
    - .311 Any administrative findings identified in the Performance Review Report.
    - .312 Any findings of marginal compliance identified in the Performance Review Report.
    - .313 The district attorney's determination of the cause(s) for each administrative finding or finding of marginal compliance with a program performance standard.
    - .314 The proposed solution(s) for the cause(s) for each administrative finding or finding of marginal compliance with a program performance standard.
    - .315 A description of how each proposed solution will be implemented including the time frames for implementation.
    - .316 A description of how the implementation of each proposed solution will be monitored and evaluated for timeliness and effectiveness in either correcting the administrative finding or bringing the marginal compliance into substantial compliance.

NOTE: Authority cited: Sections 10553, 10554, 11475.1, 11479.5, and 15200.8, Welfare and Institutions Code.  
Reference: Sections 11475.1 and 11479.5, Welfare and Institutions Code.

<b>12-205</b>	<b>PROGRAM PERFORMANCE REVIEW APPEALS</b>	<b>12-205</b>
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- .1 The district attorney shall be permitted to protest and appeal the following findings of the Department:
  - .11 Failure to submit an accurate, timely case listing.
  - .12 Failure of self-review counties to provide an accurate, timely Performance Review Report.
  - .13 Marginal compliance.
  - .14 Noncompliance.
  - .15 Failure to submit a Program Improvement Report.
  - .16 Any other finding which might affect the county's entitlement to incentives.
  - .17 Any other finding which might affect the county's risk of financial sanction.
- .2 The district attorney's initial written protest shall:
  - .21 Be submitted to the State IV-D Director within 60 calendar days of the date the Department's final findings are postmarked, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
  - .22 State the finding(s) being protested and the specific reason(s) therefor.
  - .23 Include complete documentation supporting the district attorney's reason(s) for protesting the finding(s).
- .3 The district attorney shall submit additional documentation to support the district attorney's reason(s) for protesting the finding(s) if requested in writing by the Department.
  - .31 Such documentation shall be submitted within 15 calendar days of the date the Department's request for additional documentation is postmarked, unless a later date is mutually agreed upon in writing by the district attorney and the Department.

<b>12-205</b>	<b>PROGRAM PERFORMANCE REVIEW APPEALS (Continued)</b>	<b>12-205</b>
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- .32 Failure to provide such documentation within the required time shall result in the Department's findings being upheld.
- .4 The district attorney shall be notified in writing of the results of the initial protest within 60 calendar days of the date the initial protest is postmarked.
- .5 If dissatisfied with the results of the initial protest, the district attorney shall be permitted to file a written appeal with the Director.
  - .51 The appeal shall be filed within 30 calendar days of the date the Department's response to the initial protest is postmarked, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
  - .52 The appeal shall include the district attorney's initial protest and the Department's response thereto.
  - .53 The appeal shall state the reason(s) the district attorney is dissatisfied with the Department's response to the initial protest.
  - .54 The appeal shall include complete documentation supporting the district attorney's reason(s) for being dissatisfied with the Department's response to the initial protest.
  - .55 The district attorney shall submit additional documentation to support his reason(s) if requested in writing by the Director or the Director's designee.
    - .551 Such documentation shall be submitted within 15 calendar days of the date the Department's request for additional documentation is postmarked, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
    - .552 Failure to provide such documentation within the required time shall result in the Department's findings being upheld.
- .6 The district attorney shall be permitted to request a hearing regarding the Department's findings.

<b>12-205</b>	<b>PROGRAM PERFORMANCE REVIEW APPEALS (Continued)</b>	<b>12-205</b>
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- .61 Such hearing shall be requested in the district attorney's appeal to the Director.
- .62 The hearing shall be before the Director or the Director's designee.
  - .621 The Director's designee shall not be any person previously involved in the program performance review or the initial protest.
- .63 The district attorney shall be notified of the date of the hearing within 30 calendar days of the date the district attorney's appeal/request for hearing is postmarked.
  - .631 The district attorney shall have at least 30 calendar days from the date the notification of hearing is postmarked to prepare for the hearing.
- .64 The district attorney or the district attorney's designee(s) shall be permitted to present evidence and information at the hearing.
- .65 The district attorney shall be notified in writing of the results of the hearing by the Director or the Director's designee within 30 calendar days of the date of the hearing.
- .7 If no hearing is requested, the district attorney shall be notified in writing of the results of the appeal by the Director or the Director's designee within 30 calendar days of the date the district attorney's appeal is postmarked.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.  
Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code.

<b>12-206</b>	<b>PERFORMANCE STANDARDS INCENTIVES - TIER I</b>	<b>12-206</b>
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- .1 The district attorney shall be entitled to the statutory base incentive rate.
- .2 The district attorney shall be entitled to the statutory compliance incentive rate at the start of the calendar quarter following the quarter in which the district attorney's notification of substantial compliance with each program performance standard was postmarked.
- .3 The district attorney shall be entitled to only the statutory base incentive rate for the calendar quarter immediately following the quarter in which the district attorney's notification of noncompliance with any program performance standard was postmarked.
  - .31 The district attorney shall continue to receive only the statutory base incentive rate until successful completion of corrective action as identified in the Program Improvement Report pursuant to Section 12-203.
- .4 The district attorney shall be paid the statutory compliance incentive rate and be exempt from corrective action and program improvement requirements of MPP Sections 12-203 and 12-204 if:
  - .41 The district attorney is assessed as or certified in compliance during the quarter in which a pre-conversion plan for the Statewide Automated Child Support System (SACSS) or the Automated Child Support Enforcement System (ACSES) Replacement System becomes effective, as provided by the Department, and subsequently has a finding of noncompliance under MPP Section 12-202 during the hold harmless eligibility period, as defined in MPP Section 12-206.411; or, the district attorney is assessed as or certified in compliance during any quarter in the hold harmless eligibility period and subsequently has a finding of noncompliance under MPP Section 12-202 during the hold harmless eligibility period.
    - .411 The hold harmless eligibility period is a temporary time period, during which the district attorney is preparing for and converting to the SACSS or the ACSES Replacement System.
      - (a) The hold harmless eligibility period shall start the date that pre-conversion activities actually begin as specified in the district attorney's approved pre-conversion plan or a maximum of 18 months prior to the scheduled conversion completion date, whichever is less, and shall end on the date that the district attorney is scheduled to complete conversion to the automated system.

<b>12-206</b>	<b>PERFORMANCE STANDARDS INCENTIVES - TIER I</b>	<b>12-206</b>
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(Continued)

- .412 If there is a delay to the scheduled conversion completion date due to a state and/or vendor problem that is beyond the county's control, the Department shall extend the hold harmless eligibility period when the need for a significant level of staff resources continues to exist.
- (a) The pre-conversion plan shall be modified to reflect the extended period and the district attorney shall be notified accordingly.
- .413 The district attorney's pre-conversion plan must contain at least the following elements:
- (a) All anticipated pre-conversion tasks.
- (b) The projected beginning and ending dates of each task.
- (c) The estimated staff resources required to complete each task.
- .414 If the CDSS determines, through quarterly assessments, that a district attorney has failed to perform the specified pre-conversion tasks, the district attorney shall be disqualified from eligibility for hold harmless at the start of the quarter following the determination.
- .415 Sixty (60) days after the end of the hold harmless eligibility period, the district attorney is entitled to the statutory base incentive rate in the following month.
- (a) The district attorney shall develop and submit a program improvement report within the 60 days following the end of the hold harmless eligibility period, as specified in MPP Sections 12-203 and 12-204.
- .416 If there is a finding of non-compliance from the federal government or a court-mandated corrective action during the hold harmless eligibility period, the district attorney is not exempt from any applicable corrective actions required.
- .5 District attorneys that are paid the statutory compliance incentive rate pursuant to MPP Section 12-206.4, are not eligible for performance evaluation under MPP Section 12-207 and are not entitled to any statutory performance rate incentives.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.  
Reference: Sections 15200.8, 15200.8(b)(1), 15200.85, and 15200.9, Welfare and Institutions Code.

<b>12-207</b>	<b>PERFORMANCE STANDARDS INCENTIVES - TIER II</b>	<b>12-207</b>
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- .1 Effective State Fiscal Year (SFY) 1993/1994, each district attorney who qualifies for the compliance rate incentive, under Tier I, shall be eligible for evaluation by the Department to determine if there is entitlement to part or all of the statutory performance rate incentive based on performance in specific program standards.
- .11 The district attorney's performance evaluation of the program standards specified in Section 12-207.3 shall be based on information reported on the Monthly Statistical Report on Child Support Enforcement Activities, CS 850 (7/91), for the following time periods:
  - .111 For SFY 1993/94 performance incentive: January 1992 through June 1992 and January 1993 through June 1993.
  - .112 For SFY 1994/95 performance incentive: July 1992 through June 1993 and July 1993 through June 1994.



<b>12-207</b>	<b>PERFORMANCE STANDARDS INCENTIVE - TIER II (Continued)</b>	<b>12-207</b>
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- .113 For SFY 1995/96 performance incentive: July 1993 through June 1994 and July 1994 through June 1995.
- .2 The district attorney's performance in specific program standards shall be evaluated by the Department in the first quarter of each SFY, beginning with SFY 1993/94.
- .3 The specific program standards that shall be evaluated by the Department are the following:
- .31 Establishment of Paternity Standard
- .311 Evaluation of the Percent of Improvement from Prior Year
- Each district attorney's prior year total number of children for whom paternity was established is compared to the total number of children for whom paternity establishment was pending (non-locate) in the prior year to obtain a percentage. This percentage shall be compared to the district attorney's performance from the year before the prior year and
- .312 Evaluation of the Percent of Performance compared with average Statewide Performance Percentage
- Each district attorney's prior year number of children for whom paternity was established is compared to the district attorney's total number of children for whom paternity establishment was pending (non-locate) in the prior year to obtain a percentage. This percentage shall be compared with the combined average statewide performance percentage by all district attorneys from the following prior years:
- (a) For SFY 1993/94, the average statewide performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for January 1992 through June 1992 and January 1993 through June 1993.
- (b) For SFY 1994/95, the average statewide performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for July 1992 through June 1993 and July 1993 through June 1994.

<b>12-207</b>	<b>PERFORMANCE STANDARDS INCENTIVES - TIER II (Continued)</b>	<b>12-207</b>
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- (c) For SFY 1995/96, the average statewide performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for July 1992 through June 1993, July 1993 through June 1994 and July 1994 through June 1995.

**.32 Establishment of Support Obligation Standard**

**.321 Evaluation of the Percent of Improvement from Prior Year**

Each district attorney's prior year total number of cases in which support orders were established is compared to the total number of cases in which support order establishment is pending (non-locate) in the prior year to obtain a percentage. This percentage shall be compared to the district attorney's performance in the year before the prior year and

**.322 Evaluation of Performance Compared to the Average Statewide Performance Percentage**

Each district attorney's prior year number of cases in which support orders were established is compared to the total cases in which support order establishment is pending (non-locate) in the prior year to obtain a percentage. This percentage shall be compared to the combined average statewide performance percentage by all district attorneys from the following prior years:

- (a) For SFY 1993/94, the average performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for January 1992 through June 1992 and January 1993 through June 1993.
- (b) For SFY 1994/95, the average performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for SFYs 1992/93 and 1993/94.
- (c) For SFY 1995/96, the average performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for SFYs 1992/93, 1993/94 and 1994/95.

<b>12-207</b>	<b>PERFORMANCE STANDARDS INCENTIVES - TIER II (Continued)</b>	<b>12-207</b>
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**.4** The evaluations in each of the program standards in Sections 12-207.31 and .32 shall be rounded to the nearest whole percentage points and assigned the following point values:

**.41** Evaluation of the Percent of Improvement from Prior Year and

Percent of Improvement		Points
1% through 15%	=	1
16% through 30%	=	15
31% through 45%	=	30
46% through 60%	=	45
61% and above	=	60

**.42** Evaluation of the Percent of Performance Compared to the Average Statewide Performance Percentage

Percent of Performance Compared to the Average Statewide Performance Percentage		Points
1% through 9%	=	1
10% through 19%	=	15
20% through 29%	=	30
30% through 39%	=	45
40% and over	=	60

**.5** In each of the program standards in Sections 12-207.31 and .32, establishment of paternity and establishment of support obligations, only the results of one evaluation in each standard shall be considered the district attorney's performance level in that standard.

**.51** The results of the evaluations of the program standards that have the highest points shall be considered the district attorney's performance level in that program standard.

**.52** The points assigned to each program standard shall be added together to determine a county score.

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.53 The following is an example of how the results of the district attorney's performance evaluations are scored:

.531 For the Establishment of Paternity standard, the percent of improvement from prior year evaluation results in a district attorney performance level of 13 percent and the evaluation which compares district attorney performance to the average statewide performance percentage result is 19 percent. One (1) point is earned for the district attorney's evaluation of the percent of improvement from the prior year and fifteen (15) points is earned for the district attorney's evaluation of the percent of performance compared to the average statewide performance percentage. However, because only the evaluation which results in the highest point value is considered the district attorney's performance level for that standard, the district attorney would earn 15 points for the Establishment of Paternity standard.

.532 For the Establishment of Support Order standard, the percent of improvement from prior year evaluation results in a district attorney performance level of 8 percent and the evaluation which compares district attorney performance to the average statewide performance percentage result is 41 percent. One (1) point is earned for the district attorney's evaluation of the percent of improvement from the prior year and sixty (60) points is earned for the district attorney's evaluation of the percent of performance compared to the average statewide performance percentage. However, because only the evaluation which results in the highest point value is considered the district attorney's performance level for that standard, the district attorney would earn 60 points for the Establishment of Support Order standard.

.533 The 15 points earned under the Establishment of Paternity standard is then added to the 60 points earned under the Establishment of Support Order standard resulting in a total county score of 75 points.

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<b>12-207</b>	<b>PERFORMANCE STANDARDS INCENTIVES - TIER II (Continued)</b>	<b>12-207</b>
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- .6 In addition to the county score in Section 12-207.52, the district attorney shall also be eligible to earn 16 bonus points when the county's total child/spousal and medical support collection increase percentage in the prior year is equal to or greater than the average of the statewide collection increase percentage from the previous two years.
- .61 The district attorney's collection increase shall be determined from collection information reported by the district attorney on the Child/Spousal/Medical Support Collections Summary Report, CS 820 (8/91).
- .62 The district attorney shall not be entitled to any bonus points in any year in which collections do not increase on a statewide basis, as described in Section 12-207.6 above.
- .63 If the district attorney is entitled to the 16 bonus points, the points will be added to the county score in Section 12-207.52.
- .7 The total county score under Section 12-207.52 and any applicable bonus points under Section 12-207.6 will be totaled and applied against the following schedule to determine the district attorney's performance incentive rate:

.71 Total Score	Performance Incentive Rates		
	SFY 93/94	SFY 94/95	SFY 95/96
15 - 30	.25%	.50%	.75%
31 - 60	.50%	1.00%	1.50%
61 - 90	.75%	1.50%	2.25%
91 - 136	1.00%	2.00%	3.00%

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**HANDBOOK BEGINS HERE**

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- .711 The following is an example of how the bonus points will be added to the points earned from the evaluations of performance in the specific program standards for determining a total score for incentive entitlement:

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

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- (a) If the district attorney's child/spousal and medical support collection increase percentage in the prior year is 12 percent and the average statewide collection increase percentage from the previous two years is 10 percent, the district attorney would earn 16 bonus points.
- (b) Sixteen (16) bonus points are then added to the county score determined by the performance evaluations in the specific program standards under Section 12-207.52. Using the example in 12-207.533, the county score for performance in the program standards is 75 points. Adding 16 bonus points to this score, because the district attorney's collection increase was above the average statewide percentage increase, provides the district attorney with a grand total of 91 points, thereby qualifying for an additional performance incentive rate of 1 percent for collections distributed during SFY 93/94.

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**HANDBOOK ENDS HERE**

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- .8 The performance rate incentive calculated under this section will be paid with, and in addition to, the compliance rate incentives paid under Tier I.
- .81 Entitlement to performance rate incentives shall be effective in the same month that the district attorney is entitled to the compliance rate incentive under Tier I, beginning in SFY 1993/94.
- .82 Incentive rates determined under both this section and Section 12-206 will be paid on distributed child/spousal and medical support collections, based on collection information provided by the district attorney on the Summary Report of Child and Spousal Support Payments, CS 800 (1/92), and the Child/Spousal/Medical Support Collections Summary Report, CS 820 (8/91).

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.  
Reference: Sections 15200.8, .85, and .9 of the Welfare and Institutions Code.

<b>12-210</b>	<b>WRITTEN PROCEDURES</b>	<b>12-210</b>
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.1 The district attorney shall have and use written procedures for each of the program performance standards contained in this chapter.

.11 Failure to have and use such written procedures shall result in a finding of noncompliance.

NOTE: Authority cited: Sections 10553, 10554, 11475.1, and 11479.5, Welfare and Institutions Code.  
Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 305.

<b>12-211</b>	<b>PROGRAM PERFORMANCE STANDARDS - EXPEDITED PROCESS</b>	<b>12-211</b>
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- .1 The district attorney shall meet the time frames at Section 12-109.3 for bringing to a disposition actions to establish child support orders and, if necessary, paternity.
- .2 Failure to meet the requirements specified in Section 12-109.3 shall result in a finding of noncompliance for expedited process.

NOTE: Authority cited: Sections 10553, 10554, 11475, 11475.1(b), and 11479.5, Welfare and Institutions Code. Reference: Sections 15200.8 and 11479.5, Welfare and Institutions Code; and 45 CFR 303.101, and .101(b)(2).

<b>12-220</b>	<b>PROGRAM PERFORMANCE STANDARDS - INTAKE</b>	<b>12-220</b>
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- .1 The district attorney shall:
  - .11 Meet the time standards for providing applications specified in Section 12-103.1.
  - .12 Provide the information listed in Section 12-103.13 within the time standard specified in Section 12-103.15.
  - .13 Establish case records in accordance with Section 12-103.2.
  - .14 Verify initial information and solicit additional information in accordance with Section 12-103.2.
- .2 The district attorney shall obtain an application for each case on behalf of families not receiving aid.
- .3 The district attorney shall not obtain an application for cases on behalf of families which cease to receive aid but continue to receive Child Support Enforcement Program services.



<b>12-220</b>	<b>PROGRAM PERFORMANCE STANDARDS - INTAKE (Continued)</b>	<b>12-220</b>
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- .4 Program services shall be suspended if the district attorney is notified by the county welfare department of a claim for good cause.
  - .41 Program services shall not be provided if the district attorney is notified by the county welfare department of a final determination of good cause.
    - .411 The district attorney shall proceed with program services if the county welfare department also notifies the district attorney that services may proceed without the participation of the custodial parent.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.  
Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 302.31(b) and (c) and 302.51(e)(3).

<b>12-221</b>	<b>PROGRAM PERFORMANCE STANDARDS - LOCATE</b>	<b>12-221</b>
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- .1 The district attorney shall attempt to locate an absent parent whenever the absent parent's location is unknown.
  - .11 Location of absent parents shall be done in accordance with the standards specified in Section 12-104.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.  
Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 303.3(b).

<b>12-222</b>	<b>PROGRAM PERFORMANCE STANDARDS - PATERNITY ESTABLISHMENT</b>	<b>12-222</b>
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- .1 The district attorney shall attempt to establish paternity for children under age 18 whose paternity has not previously been established.
  - .11 If the district attorney determines that establishing paternity would not be in the best interest of the child and the case involves incest, forcible rape or pending adoption proceedings, then the district attorney shall not attempt to establish paternity.
    - .111 Such determination and the reasons therefor shall be documented in the case record.
  - .12 Establishment of paternity shall be done in accordance with the standards specified in Section 12-106.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.  
Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 303.5(a) and (b).

<b>12-223</b>	<b>PROGRAM PERFORMANCE STANDARDS - ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS</b>	<b>12-223</b>
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- .1 The district attorney shall attempt to establish a child support order for cases in which a child support order does not exist.
  - .11 When petitioning the court for child support, the district attorney shall use the statutory child support guidelines in effect at that time to determine the amount of child support sought.
  - .12 Establishment of child support orders shall also be done in accordance with the standards specified in Section 12-106.
- .2 Upon a written request for modification of a child support order the district attorney shall:
  - .21 Review the case.
  - .22 Respond to the request in writing within 90 calendar days of the date the request is postmarked.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.  
Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; 45 CFR 302.50(a) and 303.4(b) and (d); Section 4720.1, California Civil Code; and 42 U.S.C. 466(a)(10)(A).

<b>12-224</b>	<b>PROGRAM PERFORMANCE STANDARDS - ENFORCEMENT</b>	<b>12-224</b>
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- .1 The district attorney shall enforce spousal support orders when all of the following criteria are met:
  - .11 A court order for spousal support has been previously established.
  - .12 The spouse or former spouse is living with the child(ren) for whom the absent parent is liable for support.
  - .13 The child support order is being enforced by the district attorney.
- .2 The district attorney shall attempt to enforce support orders in open IV-D cases for which a support order has been established.
  - .21 Enforcement of support orders shall be completed in accordance with the standards specified in Section 12-107.
  - .22 The district attorney shall seek real property liens in accordance with Chapter 12-600.
  - .23 The district attorney shall seek federal and state income tax refund intercepts in accordance with Chapter 12-700.
- .3 The district attorney shall petition the court for a wage assignment for any support order established or modified after July 1, 1990.
  - .31 In addition to the current support due, the district attorney shall petition for an amount to be applied toward any overdue support.
  - .32 To initiate withholding pursuant to a wage assignment, the district attorney shall serve the absent parent's employer the wage assignment and a notice containing all of the following information:
    - .321 The amount to be withheld from the absent parent's wages and a statement that such amount may not exceed the statutory maximum.
    - .322 A statement informing the employer that the employer may deduct a fee of one dollar, in addition to the amount withheld, for administrative costs incurred for each withholding.
    - .323 A statement informing the employer that the withholding order is binding upon the employer until further notice.

<b>12-224</b>	<b>PROGRAM PERFORMANCE STANDARDS - ENFORCEMENT (Continued)</b>	<b>12-224</b>
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- .324 A statement informing the employer that the employer is subject to a maximum fine of 500 dollars for any of the following reasons:
- (a) Discharging an absent parent because of the withholding order.
  - (b) Taking disciplinary action against an absent parent because of the withholding order.
  - (c) Refusing to hire an absent parent because of a withholding order.
- .325 A statement informing the employer that the employer is liable for the accumulated amount which should have been withheld if the employer refuses to withhold wages as directed.
- .326 A statement informing the employer that the assignment for support has priority over any other legal process under state law against the same wages.
- .327 A statement informing the employer that the employer may combine withheld amounts from all absent parents in a single payment to each agency requesting withholding and separately identifying the portion of the payment which is attributable to each absent parent.
- .328 A statement directing the employer to do the following:
- (a) Implement the withholding no later than the first pay period which occurs after 14 calendar days following the date the notice was mailed.
  - (b) Forward amounts withheld to the district attorney within 10 calendar days of the date the absent parent is paid.
  - (c) Notify the district attorney of the date the earnings were withheld.
- .329 A statement directing the employer to notify the district attorney in writing when the absent parent terminates employment, including the following information:
- (a) The absent parent's last known address.

<b>12-224</b>	<b>PROGRAM PERFORMANCE STANDARDS - ENFORCEMENT (Continued)</b>	<b>12-224</b>
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- (b) The name and/or address of the absent parent's new employer, if known.
- .33 If the absent parent changes employment, the district attorney shall serve the wage assignment on the absent parent's new employer, if known, within 15 calendar days.
- .331 If the new employer's address is not known, the district attorney shall serve the wage assignment within 15 calendar days of locating the employer's address.
- .332 The district attorney shall notify the new employer that the wage assignment is binding until further notice.
- .34 The district attorney shall maintain and follow procedures that ensure that the noncustodial parent is refunded the amount improperly withheld within 15 calendar days of discovering the error.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; 45 CFR 302.31(a)(2); 303.6, and 303.100(a), (a)(8), (b), (d), (f)(1)(ii) and (iv); and Sections 4390.3, .10, and .17, California Civil Code.

<b>12-225</b>	<b>PROGRAM PERFORMANCE STANDARDS - COLLECTION AND DISTRIBUTION</b>	<b>12-225</b>
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- .1 The district attorney shall notify the county welfare department in writing when the district attorney discovers that a direct payment has been retained by a family receiving aid.
- .2 The district attorney shall be responsible for distributing collections for all cases in which there is a support order being enforced by the district attorney.
  - .21 Such distribution shall be completed in accordance with the standards specified in Section 12-108.
- .3 On or before September 30 of each year, the district attorney shall provide a notice of collections received during the previous state fiscal year.
  - .31 The notice shall be sent to all of the following:
    - .311 Families currently receiving aid.
    - .312 Families which formerly received aid and continue to receive Child Support Enforcement Program services on whose cases an assigned collection was made.
  - .32 The notice shall contain all of the following information:
    - .321 The total amount of assigned collections received during the prior fiscal year, or zero if no assigned collections were received.

<b>12-225</b>	<b>PROGRAM PERFORMANCE STANDARDS - COLLECTION AND DISTRIBUTION (Continued)</b>	<b>12-225</b>
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- .322 The total amount of payments to the family, or zero if no amounts were paid to the family.
- .323 In the case of multiple absent parents, a separate listing of collections from each absent parent, or zero if no collections were received from an absent parent.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 302.31(a)(3)(i), .32, .37, .51, .52, and .54(a) and (b).

<b>12-226</b>	<b>PROGRAM PERFORMANCE STANDARDS - INTERSTATE CASES</b>	<b>12-226</b>
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- .1 When the absent parent resides in another state, the district attorney shall attempt to utilize long-arm statutes to establish paternity whenever possible.
  - .11 If utilization of long-arm statutes is not possible, the district attorney shall initiate an interstate case.
- .2 Whenever the district attorney initiates an interstate case, the district attorney shall:
  - .21 Provide the responding state with sufficient, accurate information to act on the case.
  - .22 Do one of the following within 30 calendar days of receiving a request for additional information from the responding state:
    - .221 Provide the requested information.
    - .222 Notify the responding state when the information will be provided if the information itself is not available.
  - .23 Notify the responding state of any new information regarding the case within 10 working days of receiving such information.
  - .24 Pay for the costs of genetic testing to establish paternity.
  - .25 Notify the IV-D Agency of the responding state to implement interstate wage withholding within 20 calendar days of determining that wage withholding is required.

<b>12-226</b>	<b>PROGRAM PERFORMANCE STANDARDS - INTERSTATE (Continued)</b>	<b>12-226</b>
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**CASES**

- .251 The notification to implement interstate withholding shall include all information necessary to carry out the withholding.
  - .252 If the responding state requests additional information needed to implement the withholding, the district attorney shall provide that information within 30 days of receiving the request.
- .3 When the district attorney receives an interstate case from the California Central Registry, the district attorney shall:
  - .31 Do all of the following within 75 calendar days of receipt of the case:
    - .311 Provide locate services, if needed.
    - .312 Request any additional documentation from the initiating state if the provided documentation is not sufficient to process the case fully.
  - .32 If the documentation initially received is insufficient to fully process the case, proceed with case processing to the extent possible with the information provided.
  - .33 Complete all of the following within 10 working days of locating the absent parent in another county:
    - .331 Forward the case to the county in which the absent parent is located.
    - .332 Notify the initiating state and the California Central Registry of the case transfer.
  - .34 Complete all of the following within 10 working days of locating the absent parent in another state:
    - .341 Return the case and the information regarding the absent parent's location to the initiating state, or forward the case to the central registry of the state in which the absent parent is located if requested to do so by the initiating state.
    - .342 Notify the California Central Registry of the case transfer.
  - .35 Provide any necessary services as for an intrastate case including establishing paternity, establishing a support order, enforcing a support order, and collecting and distributing payments.



<b>12-226</b>	<b>PROGRAM PERFORMANCE STANDARDS - INTERSTATE (Continued)</b>	<b>12-226</b>
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**CASES**

- .351 If the district attorney establishes paternity, the district attorney shall attempt to secure a judgment against the absent parent to recover the cost of genetic testing and reimburse the initiating state.
- .36 Provide timely notice to the initiating state in advance of any hearings which might result in establishment or modification of an order.
- .37 Notify the initiating state within 10 working days of receipt of new information regarding the case.
- .38 Notify the California Central Registry whenever an interstate case is closed.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; 45 CFR 303.7(b)(1) through (5), (c)(4)(i) through (iii), (c)(5), (c)(6), (c)(7)(i) through (iv), (c)(8), (c)(9), (c)(10), and (d)(2); and 45 CFR 303.100(h)(3).

<b>12-227</b>	<b>PROGRAM PERFORMANCE STANDARDS - EXPEDITED PROCESS</b>	<b>12-227</b>
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Repealed by Manual Letter No. CS-96-01, effective 7/18/96.

<b>12-228</b>	<b>PROGRAM PERFORMANCE STANDARDS - MEDICAL SUPPORT</b>	<b>12-228</b>
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- .1 Upon referral from the county welfare department, the district attorney shall attempt to obtain the following information if the information was not previously provided:
  - .11 The county welfare department case number or the recipient's/custodial parent's social security number.
  - .12 The name and social security number of the child(ren).
  - .13 The absent parent's:
    - .131 Name.
    - .132 Social security number.
    - .133 Home address.
    - .134 Employer's name and address.
  - .14 The policy name and number of any health insurance policy of the absent parent and the name of each person covered by the policy.
- .2 The district attorney shall forward the information specified in Section 12-228.1 to the State Department of Health Services.
  - .21 The information shall be forwarded:
    - .211 When the case is referred from the county welfare department and the information is available.
    - .212 Whenever the information becomes available.
  - .22 The district attorney shall not forward the information upon referral if the referral document(s) indicates the information was previously forwarded by the county welfare department.
- .3 The district attorney shall notify all applicants for child support services in writing that medical support services are also available.
- .4 The district attorney shall petition the court for medical support for all cases in which the family is receiving aid, unless the custodial parent and child(ren) have health insurance coverage other than Medi-Cal.

<b>12-228</b>	<b>PROGRAM PERFORMANCE STANDARDS - MEDICAL SUPPORT</b>	<b>12-228</b>
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(Continued)

- .5 The district attorney shall petition the court for medical support for all cases in which the family is not receiving aid if medical support services have been requested.
- .6 The district attorney shall:
- .61 Notify the State Department of Health Services in writing whenever a new or modified support order includes medical support and provide the information specified in Section 12-228.1 if the family is receiving aid.
  - .62 Request employers and other groups offering health insurance coverage to notify the district attorney in writing of any lapses in the health insurance coverage.
  - .63 Forward information regarding any health insurance coverage obtained to the custodial parent.
  - .64 Communicate with the State Department of Health Services in writing to determine if there has been a lapse in health insurance coverage for recipients of aid.
- .7 The district attorney shall attempt to enforce medical support orders.
- .71 Enforcement remedies include, but are not limited to:
    - .711 Contacting absent parents.
    - .712 Contacting absent parents' employers.
    - .713 Obtaining health insurance coverage assignments.
- .8 The district attorney shall not provide medical support services to a person who is not receiving aid without first obtaining the person's consent.
- .81 Consent shall not be required for cases on behalf of families which cease to receive aid but continue to receive Child Support Enforcement Program services unless medical support services have not previously been provided.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.  
Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 303.30(a) and (b), and .31(b) and (c).

<b>12-229</b>	<b>PROGRAM PERFORMANCE STANDARDS - CASE CLOSURE</b>	<b>12-229</b>
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.1 Case closure shall be done in accordance with Chapter 12-300.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.  
Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code.

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**CHILD SUPPORT PROGRAM  
CASE CLOSURE**

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<b>12-301</b>	<b>GENERAL</b>	<b>12-301</b>
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- .1 The district attorney shall establish and use a system for closing Title IV-D cases in accordance with this chapter.
- .11 The district attorney shall be permitted to continue to work a case that otherwise qualifies for closure under Section 12-302, if the district attorney believes there is potential for success.
- .2 Definitions of terms used in these regulations, which are common to the Child Support Enforcement Program, are found in MPP Sections 12-701, 12-101.3, and 12-601.
- .3 Definitions of terms specific to these regulations are:
- a. (Reserved)
  - b. (Reserved)
  - c. (1) Case closure -- means that Title IV-D services will no longer be provided. However, closure does not affect the support order, if the order is still current, or arrearages have accrued under the order. Although the district attorney closes a case, a support order that is current remains in effect and arrearages continue to accrue for the life of the order.
  - d. (Reserved)
  - e. (Reserved)
  - f. (Reserved)
  - g. (Reserved)
  - h. (Reserved)
  - i. (Reserved)
  - j. (Reserved)
  - k. (Reserved)
  - l. (Reserved)
  - m. (Reserved)
  - n. (Reserved)

<b>12-301</b>	<b>GENERAL (Continued)</b>	<b>12-301</b>
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- o. (Reserved)
- p. (Reserved)
- q. (Reserved)
- r. (Reserved)
- s. (Reserved)
- t. (1) Transitional Child Care (TCC) -- means the TCC program administered by the Title IV-A agency in accordance with MPP Section 47-100 et seq.
- u. (Reserved)
- v. (Reserved)
- w. (Reserved)
- x. (Reserved)
- y. (Reserved)
- z. (Reserved)

NOTE: Authority cited: Sections 10554, 11475 and 11479.5, Welfare and Institutions Code. Reference: Section 11479.5, Welfare and Institutions Code; 45 CFR Section 303.11(a); Federal Register, Vol. 54, No. 149, August 4, 1989, page 32303, comments a.1 and a.3.

<b>12-302</b>	<b>CASE CLOSURE CRITERIA</b>	<b>12-302</b>
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- .1 Title IV-D cases qualify for closure only if they meet at least one of the following criteria:
  - (a) There is no longer a current support order and arrearages are under \$500; or, arrearages are unenforceable under state law. Situations to which these criteria apply include, but are not limited to, the following:
    - (1) Reconciliation of the family or the death of a child constitutes grounds for terminating the current support order.

<b>12-302</b>	<b>CASE CLOSURE CRITERIA (Continued)</b>	<b>12-302</b>
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- (2) Medical support orders and arrearages which accrue under such orders. Medical support arrearages would be part of the arrearages accruing under the support order if a specific dollar amount for medical support is designated in the order by a court or administrative authority.
- (b) The absent parent or putative father is deceased and both of the following apply:
  - (1) No further action can be taken, including a levy against the estate.
  - (2) The district attorney has documented the attempts to identify assets which could be levied and the attempts were unsuccessful.
- (c) Paternity cannot be established because of one of the following:
  - (1) A genetic test or court or administrative process has excluded the putative father and no other putative father can be identified.
  - (2) The district attorney determines that the child's best interest will not be served by establishing paternity because incest or rape was involved, or legal proceedings for adoption are pending.
- (d) The absent parent's location is unknown and the district attorney has made quarterly attempts for three years, using multiple sources, to locate the absent parent, all of which have been unsuccessful.
- (e) The absent parent cannot pay support for the duration of the child's minority for any of the three reasons stated below and the district attorney determines that no income or assets are available to the absent parent which could be levied or attached for support:
  - (1) The absent parent is institutionalized in a psychiatric facility.
  - (2) The absent parent is incarcerated with no chance of parole.
  - (3) The absent parent has a medically verified total and permanent disability with no evidence of support potential.
- (f) The absent parent lives in a foreign country and all of the following apply:
  - (1) The absent parent is a citizen of a foreign country.



<b>12-302</b>	<b>CASE CLOSURE CRITERIA (Continued)</b>	<b>12-302</b>
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- (2) The absent parent does not work for the United States government or a company which has its headquarters or offices in the United States.
- (3) The absent parent has no reachable domestic income or assets.
- (4) The state is unable to establish reciprocity with the country.
- (g) The district attorney has provided location-only services as requested by the custodial parent, legal guardian, attorney, or agent of a child who is not receiving AFDC, whether or not such services were successful.
- (h) The non-AFDC custodial parent requests closure of a case and any arrearages assigned to the state are under \$500.
- (i) There has been a finding of good cause and the state or local welfare (Title IV-A) or foster care (Title IV-E) agency has determined that support enforcement may not proceed without risk or harm to the child or caretaker relative. (See MPP Section 43-107.4 for good cause criteria.)
- (j) The district attorney is unable to contact the non-AFDC custodial parent over a 30-calendar-day period despite attempts to contact the parent both by phone and letter, including at least one certified, return receipt, letter.
- (k) The non-AFDC custodial parent is uncooperative and both of the following apply:
  - (1) The district attorney documents the circumstances of noncooperation in the case file.
  - (2) An action by the custodial parent is essential for the next step in providing Title IV-D services.
- (l) The case involves only the establishment of an order for the reimbursement of aid and all of the following apply:
  - (1) Aid has terminated.
  - (2) The absent parent is located.

<b>12-302</b>	<b>CASE CLOSURE CRITERIA (Continued)</b>	<b>12-302</b>
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- (3) The absent parent refuses to stipulate to a reimbursement order.
  - (4) Court ordered reimbursement cannot reasonably be expected to exceed \$1,000.
  - (m) The custodial parent has moved to another county or state and both of the following apply:
    - (1) The custodial parent applied for services in the other county or state.
    - (2) The district attorney documents in the case file that contact was made with the other county or state to confirm that the custodial parent has applied for services in the other county or state, or, in the case of an intercounty transfer, to confirm that the case has been transferred.
- .2 The district attorney shall notify the custodial parent of the Title IV-D agency's intent to close the case.
- .21 Notice of case closure to the custodial parent need not be provided for cases closed under Sections 12-302.1(g), .1(h), or .1(i).
- .22 When cases are being closed under Sections 12-302.1(h), (j), or (k) and the non-AFDC custodial parent is receiving TCC, the district attorney shall notify the Title IV-A agency about the cases being closed.
- .3 Notice of case closure shall be sent in writing 60 calendar days prior to closing the case.
  - (a) The notice of intent to close the case must provide, at a minimum, the following information:
    - (1) The reason why the case is being closed.
    - (2) The circumstances under which the case could be reopened, such as new information regarding the absent parent's location.

<b>12-302</b>	<b>CASE CLOSURE CRITERIA (Continued)</b>	<b>12-302</b>
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- (3) A telephone number and address where questions concerning the case closure notice can be directed.
  - (b) The case shall be kept open if the custodial parent responds to the closure notice with information that could lead to the establishment of paternity or a support order or enforcement of an order.
  - (c) The case shall remain open if contact is re-established with the custodial parent in the instance of Section 12-302.1(j).
- .4 The case shall be considered for reopening at a later date if the custodial parent requests that the case be reopened and can provide information that could lead to the establishment of paternity or a support order or enforcement of an order.

NOTE: Authority cited: Sections 10554, 11475 and 11479.5, Welfare and Institutions Code. Reference: 45 CFR Sections 302.35(c)(3), 303.3(b)(5), 303.11(b)(1) through (b)(12), and (c); Sections 11350 and 11479.5, Welfare and Institutions Code; Federal Register, Vol. 54, No. 149, dated August 4, 1989, page 32304, comments b.3, b.4 and c.2 and page 32306, comment k; Federal Register, Vol. 54, No. 98, dated May 23, 1989, page 22328, first column, second paragraph; Sections 4700(c) and 7006(a)(1), Civil Code; and Office of Child Support Enforcement letter dated November 3, 1989.

<b>12-303</b>	<b>RECORD RETENTION</b>	<b>12-303</b>
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- .1 Closed Title IV-D case records shall be retained for a minimum of three years from the date the State Department of Social Services submits the last expenditure report for the last quarter of the federal fiscal year to the Department of Health and Human Services.
- .11 Records and supporting documentation shall be retained longer when:
- .111 They are the subject of an open federal and state audit.
  - .112 They are the subject of a pending civil litigation or when a court orders that such records be retained for an extended period.

NOTE: Authority cited: Sections 10554, 11475 and 11479.5, Welfare and Institutions Code. Reference: 45 CFR Section 303.11(d); 45 CFR Part 74, Subpart D, Sections 74.20, .21(a) and (b) and .22(a); and Section 11479.5, Welfare and Institutions Code.